

House Amendment to
Senate File 2228

S-5104

1 Amend Senate File 2228, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, after line 25 by inserting:

4 <Sec. _____. Section 322.2, subsection 7, Code 2016,
5 is amended to read as follows:

6 7. "*Engaged in the business*" means doing any of the
7 following acts for the purpose of the sale of motor
8 vehicles at retail: acquiring, selling, exchanging,
9 holding, offering, displaying, brokering, accepting on
10 consignment, conducting a retail auction, advertising
11 as being engaged in any of those acts, or acting as an
12 agent for the purpose of doing any of those acts. A
13 person selling at retail more than six motor vehicles
14 during a twelve-month period may be presumed to be
15 engaged in the business.

16 Sec. _____. Section 322.3, subsection 3, Code 2016,
17 is amended to read as follows:

18 3. Subsections 1, and 2, and 16 shall not be
19 construed to require the separate licensing of persons
20 employed as salespersons of motor vehicles by a retail
21 motor vehicle dealer. However, the department may
22 promulgate reasonable rules as necessary for the proper
23 identification of persons employed as salespersons.

24 Sec. _____. Section 322.3, subsection 12, Code 2016,
25 is amended to read as follows:

26 12. A person who has been convicted of a fraudulent
27 practice, has been convicted of three or more
28 violations of section 321.92, subsection 2, or section
29 321.99, has been convicted of three or more violations
30 of subsection 16 of this section in the previous
31 three-year period, or has been convicted of any other
32 indictable offense in connection with selling or other
33 activity relating to motor vehicles, in this state or
34 any other state, shall not for a period of five years
35 from the date of conviction be an owner, salesperson,

1 employee, officer of a corporation, or representative
2 of a licensed motor vehicle dealer or represent
3 themselves as an owner, salesperson, employee, officer
4 of a corporation, or representative of a licensed motor
5 vehicle dealer.

6 Sec. _____. Section 322.3, Code 2016, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 16. A motor vehicle dealer or
9 wholesaler licensed under this chapter shall not sell,
10 loan, rent, lease, or charge a fee for the use of the
11 license to another person for the purpose of allowing
12 the person to engage in the business of selling motor
13 vehicles.>

14 2. Page 3, lines 5 and 6, by striking <included in
15 any retail installment contract> and inserting <clearly
16 and conspicuously disclosed in any motor vehicle
17 purchase agreement>

18 3. Title page, line 1, after <dealers> by inserting
19 <and wholesalers>

20 4. Title page, line 4, after <title,> by inserting
21 <the use of licenses and advertisements,>

22 5. Title page, line 5, by striking <a penalty> and
23 inserting <penalties>

24 6. By renumbering as necessary.